

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Clarksburg Division**

LEONARD AND
STEPHANIE CARROLL,

Plaintiffs,

v.

KENDRA ROSS,

Defendant.

Case No. 1:23CV57 (TSK/MJA)

DEFENDANT’S MOTION TO DISMISS

Defendant Kendra Ross (“Ross”), pursuant to Fed. R. Civ. P. 12(b) and L.R. Civ. P. 7.02(a), moves to dismiss the complaint filed by Plaintiffs Leonard and Stephanie Carroll (collectively, the “Carrolls”). Because the *Rooker-Feldman* doctrine squarely applies to the Carrolls’ complaint, the Court lacks subject matter jurisdiction and should dismiss this case under Fed. R. Civ. P. 12(b)(1). Additionally, process was insufficient under Fed. R. Civ. P. 12(b)(4), and service was insufficient under Fed. R. Civ. P. 12(b)(5). Because service was improper, the Court lacks personal jurisdiction over Ross and should also dismiss this case under Fed. R. Civ. P. 12(b)(2). Finally, the Carrolls fail to state a claim under Fed. R. Civ. P. 12(b)(6). Wherefore, Ross asks the Court to dismiss the Carrolls’ complaint, award Ross reasonable attorneys’ fees and expenses, and grant all other relief that the Court deems proper.

Dated: August 3, 2023

Respectfully submitted,
KENDRA ROSS
By Counsel

s/ Brooks H. Spears
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CERTIFICATE OF SERVICE

I certify that, on August 3, 2023, I caused the foregoing document to be filed via the Court's CM/ECF system, which will send notice to all counsel of record, and that I caused the foregoing document to be sent via certified mail, return receipt requested, to Plaintiffs at 1213 Cash Valley Road, Eglon, WV 26716.

s/ Brooks H. Spears
Brooks H. Spears (WV Bar No. 12820)